

**PETITION TO MAKE SPECIAL UNDER RULE 102(D)**  
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF : John Palazzo

FOR : **METHOD AND APPARATUS FOR  
WASTE OIL MANAGEMENT**

SERIAL NO. : Unknown

FILED : Herewith

ATTORNEY DOCKET NO. : 30978.24673

Akron, Ohio 44308-1471  
November 21, 2003

Mail Stop Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Petition To Make Special Under 37 C.F.R. §1.102 (d)**

Dear Sir:

Pursuant to 37 CFR §1.102(d), applicants hereby petition the Commissioner to make the subject application special so that it may be taken out of turn for immediate action.

This application has been filed and given the serial number noted above. Due to the fact that applicant's claims are being infringed and applicant requires a patent in order to terminate such infringement, this Petition to Make Special is being filed.

Applicant requests this Petition because there is an infringing device or product actually on the market, a comparison of the alleged infringing device with the claims of the application has been made, and that, in the undersigned's opinion, some of the claims are unquestionably infringed, and the undersigned has a good knowledge of the pertinent prior art.

In view of the above, applicants request that this Petition to Make Special be granted and the examination of the application be advanced.

Respectfully submitted,

**BROUSE MCDOWELL**

November 21, 2003  
Date

A handwritten signature in black ink, appearing to read 'D. Thomson', written over a horizontal line.

Daniel A. Thomson  
Reg. No. 43,189  
500 First National Tower  
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**Analysis of Potentially Infringing Product**

1. An oil containment device (Yes), the containment device comprising:
  - a top (Yes);
  - a bottom (Yes);
  - a body (Yes);
  - an oil level measurement device (Yes, see Comment 1.1);
  - an oil shut-off device (Yes, see Comment 1.2), the shut-off device connected to the containment device (Yes, see Comment 1.3); and,
  - a control panel (Yes), wherein the control panel is selectively removable such that the control panel can be used on multiple types of containment devices (Yes, see Comment 1.4), the control panel comprising:
    - a display monitor (Yes), the monitor displaying the oil level in the containment device (Yes);
    - means for relaying a shut-off signal to the oil shut-off device (Yes); and,
    - a power supply (Yes).

**Comments Regarding Claim 1.**

**1.1** – As can be seen on the control panel of the Tank, the Tank has a “full” indicator, which indicates that the Tank is full. Obviously, in order to have a “full” indicator, the Tank must have an oil level measurement device.

**1.2** – On page 7 of the operator’s manual for the Tank, the manual states, “Once the tank is full, the control panel will not allow any more oil to be pumped into the storage tank to prevent overflowing the unit.

**1.3** – The control panel, as can be seen in the operator’s manual, is connected to the Tank, and therefore, the shut-off device is connected to the Tank.

**1.4** – In the operator’s manual, the same control panel is shown for various different models of storage tank. The control panel for the Tank is selectively removable using four screws so that it can be used on various different types of containment devices.